

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 8, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SR 11, HJ 7, 1/27/2001
Executive Action: SR 12, HB 293, SB 385

HEARING ON SR 11

Sponsor: SEN. DON HARGROVE, SD 16, Belgrade

Proponents: None

Opponents: None

The confirmation hearing on SR 11 for the Director of the Department of Corrections began with **Bill Slaughter**, appointee, telling the committee about his past work and education

experience and what he hoped to work on while in this position. **Bill Slaughter** said he was previously a sheriff with a bachelor's degree in social justice. **Mr. Slaughter** stated he had the opportunity to graduate from the National FDI Academy. He served 18 years as deputy sheriff. **Mr. Slaughter** told the committee he was elected sheriff in 1991, 1994, and 1997. During that time, he learned to listen and learned about the organization. **Mr. Slaughter** said he wanted to restore the credibility of the Department of Corrections, adding that the D.O.C. had to learn how to take "no" for an answer. He said the Department of Corrections was a great department and it would start focusing more on listening rather than on talking. **Mr. Slaughter** said the department will strive to follow through on what they said they were going to do, and would concentrate on doing the right thing.

Questions from Committee Members and Responses:

SEN. KEN TOOLE asked **Bill Slaughter** what a double-fill position was? **Bill Slaughter** responded that they began with two half-time FTE's (full-time equivalents) sharing a position and sometime during the year, they would change into two full-time positions.

SEN. TOOLE asked **Bill Slaughter** to talk to the committee about his three goals of (1) public safety, (2) punishment, and (3) rehabilitation, ranking them in priority. **Mr. Slaughter** responded public safety was his number one goal. He expressed that many times, people tend to forget about the punishment aspect in relation to rehabilitation. **Mr. Slaughter** said there was a perception in society that once a person was sent to prison, they would be there forever; however, rehabilitation was so important because those people would be returning to society after serving their time.

SEN. TOOLE asked **Bill Slaughter** to what degree the sentences given to criminals were a deterrence? **Bill Slaughter** responded that capital punishment was the biggest deterrent. **Mr. Slaughter** wanted to open the Montana State Prison for tours which would have a strong deterrent effect. In determining placement of the prisoners, a number of issues aid in determining the classification, such as: (1) supportive family members need to live close enough to be able to offer support and visit, (2) women in prison who have children had proven to be quite loyal to their children, regardless of the crimes those women had committed; therefore it was important to provide space for the women to have visits from their children which had proven to be quite effective, (3) the prisoner's ability to fit in a certain environment - occasionally a particular prisoner proved to be so disruptive in a particular location, that it was hard on everyone

there, so they would move them to another location. **Mr. Slaughter** urged the committee members to tour the regional facilities to learn more about them.

SEN. TOOLE asked **Bill Slaughter** if there was any federal coordination for the federal parole system? **Bill Slaughter** responded that there was federal coordination. **Bill Slaughter** told the committee that strong federal parole procedures were important for public safety.

SEN. JIM ELLIOTT asked **Bill Slaughter** if probation and parole was less expensive than incarceration. **Bill Slaughter** responded that an increase in probation officers could lessen the load on the prison systems, with the more parole officers you have increase the ability of the officers to handle the case load and was the best use of money.

SEN. ELLIOTT asked **Bill Slaughter** if an increase in full time expenditures was needed. **Mr. Slaughter** responded that more FTE's were not needed, but it was important to keep the modified positions.

SEN. ELLIOTT commented to **Bill Slaughter** that people were angry with criminals, wanting to increase sentencing to send the criminals away, which would prove to be expensive. **SEN. ELLIOTT** asked **Bill Slaughter** if stiffer sentencing was better or if it would be more beneficial to put the money toward treatment and probation. **Bill Slaughter** replied that there needed to be some hard time served; however, there needed to be a balance between the time served and working with probation on working their way out of prison. **Bill Slaughter** said it was important for the decisions to achieve this balance be left up to the corrections facilities.

SEN. ELLIOTT asked **Bill Slaughter** about a constituent who had success in treatment out-of-state. He added that the court systems were going to require the boy to be returned to Montana and the grandparents were concerned because the program he was presently in had been effective for him. **Bill Slaughter** said that was a situation where some compromising could be done whereas the family could perhaps help to pay for part of the treatment with the corrections system paying the remaining amount, allowing the boy to remain where he was.

SEN. PETE EKEGREN asked **Bill Slaughter** if he thought he could bring a budget to the legislature and then live within that budget. **Bill Slaughter** answered that there sometimes would be unforeseen situations where the department might need to ask for more money, but he was strongly against adding personnel or new

programs during the year without having the funds in place, then coming to the legislature afterwards asking for money that was already spent.

SEN. EKEGREN asked **Bill Slaughter** how the cell space in the regional prisons was doing. **Mr. Slaughter** responded that the prisoner count fluctuates so it was sometimes a balancing act. He added that at the present time, everyone was in the state, but he wanted to spend time on attempting to predict cell space needed.

{Tape : 2; Side : A; Approx. Time Counter : 0}

SEN. EKEGREN asked **Bill Slaughter** if he anticipated a leveling off of the number of inmates since more money and efforts toward rehabilitation have been made. **Bill Slaughter** responded that they did not anticipate a drop in the numbers, rather, they anticipate a 3-5% growth every year. **SEN. EKEGREN** asked because of that increase, would there be a shortage of prison space in the future. **Bill Slaughter** answered there would not be a shortage of space because of the conditions set by the legislature when the regional facilities were built.

SEN. EKEGREN asked **Bill Slaughter** if he was satisfied with privatization? He answered that the program had good people to work with and thus, the program was working well. **Mr. Slaughter** stressed the importance of having a contract monitor for the sites.

SEN. EKEGREN asked **Bill Slaughter** if the cost was cheaper or more expensive for privatization. **Bill Slaughter** responded that they are not sure yet.

SEN. EVE FRANKLIN expressed concern to **Bill Slaughter** about appropriate health care in the prisons. **Bill Slaughter** answered it depended on what was acceptable risk. He had already talked to **Gail Gray**, Director of Public Health and Human Services, to work on this issue. He told the committee there would have to be a point at which they would draw the line for additional health care.

SEN. FRANKLIN asked **Bill Slaughter** if the contract beds funds were cut. **Bill Slaughter** responded that, yes, those funds were cut. He added that one area in which he would not cut funds would be in relation to public safety.

SEN. DON HARGROVE asked **Bill Slaughter** if there was a need for a geriatrics clinic or unit? **Bill Slaughter** responded that there was not a need for a geriatrics unit because many of those people

had already died; for the rest of the geriatric population, they pay other inmates \$2 a day to help the older ones. This method was cheap, plus it taught the prisoners to be helpful and caring, he added.

SEN. HARGROVE asked **Bill Slaughter** how he might balance the controversy of requests for more money, services, and supplies needed for public safety and then if something bad happens (a crime), the public would respond that the department should have asked for more services and money. **Bill Slaughter** responded it needed to be decided what was an acceptable risk.

Bill Slaughter closed the hearing on SR 11 by telling the committee it was an honor to be appointed for this position and urged the committee to visit the corrections facilities to see for themselves what transpires in them and to meet the people who work in those facilities.

HEARING ON HJ 7

Sponsor: REP. DAN MCGEE, HD 21, Laurel

Proponents: None

Opponents: None

Opening Statement by Sponsor:

REP. DAN MCGEE, HD 21, Laurel, urged the Department of Labor and Industry to review travel time laws. He said this resolution strongly urges the department to do a study over the next two years and report to the interim committee on Business and Labor on what could be done to help resolve this issue. **REP. MCGEE** said he wanted to be able to pay his employees for travel time.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. BUTCHER asked **REP. MCGEE** if this would preclude employers from telling employees to be at a certain place at a certain time. **REP. MCGEE** answered that, no, this would put the state law, federal law and case laws together on this issue to develop a meaningful travel policy for paying their employees.

SEN. FRANKLIN asked **REP. MCGEE** if he was looking for more structure. **REP. MCGEE** agreed.

SEN. TOOLE told **John Andrew**, Department on Labor and Industry, that this dealt with work status vs. travel time; however, the larger issue was overtime and the overtime law. **{Tape : 2; Side : B; Approx. Time Counter : 0}** **John Andrew** told the committee that the legislature could amend the Montana law, but the other laws would still be in place. He would like to have the state and federal laws made more similar to each other to enable people to understand them more clearly.

SEN. HARGROVE asked **John Andrew** what laws apply for a non-union employer and how much force was in those laws. **Mr. Andrew** answered that both laws apply, with the state law including anyone that is not covered by the federal law.

SEN. HARGROVE asked **John Andrew** what the enforcement mechanisms were. **John Andrew** responded that within state law, people could file individual wage claims, access of court, and could ask both the state or federal government to do an investigation to ensure compliance with the statutes.

Closing by Sponsor: REP. DAN MCGEE, HD 21, closed on HJ 7 by reminding the committee how complicated this situation was.

EXECUTIVE ACTION ON SR 12

Motion/Vote: **SEN. TOOLE** moved that **SR 12 BE ADOPTED**. Motion carried unanimously.

EXECUTIVE ACTION ON HB 293

Motion/Vote: **SEN. TOOLE** moved that **AMENDMENT HB029301.ADN EXHIBIT(sts32a01)BE ADOPTED**. Motion carried 7-0.

Motion/Vote: **SEN. TOOLE** moved that **HB 293 BE CONCURRED IN AS AMENDED**. Motion carried unanimously.

EXECUTIVE ACTION ON SB 385

Motion/Vote: **SEN. BUTCHER** moved that **SB 385 BE TABLED**. Motion failed 2-4 with Butcher and Toole voting aye.

Discussion:

SEN. BUTCHER expressed concern about passing laws and putting into statute requiring the state employees to be trained in courtesy.

Motion: **SEN. BOHLINGER** moved that **SB 385 DO PASS.**

Discussion:

SEN. EKEGREN told the committee he felt the training was beneficial.

SEN. BOHLINGER said this courtesy training might save job and careers.

SEN. FRANKLIN said the courtesy issue was critical, but questioned if there was a mission statement for each department in which the courtesy emphasis should be included instead. Therefore, she would not support this bill.

SEN. TOOLE stated there were two problems with this bill; (1) it needed to be recognized that many of the state jobs are positions where people were going to be mad at them -one side wins and the other side loses and would not like that- so the personnel department would need to work with them on this, and (2) the cost was significant. **SEN. TOOLE** added that the employees are already sent to these trainings if there was a problem or if the employee was in a position with a high degree of public contact. He added concern that if this was put into statute, it would open the door for litigation in the case of dismissal.

SEN. BOHLINGER told the committee because of persuasive arguments discussed, he would no longer support this bill.

Motion/Vote: **SEN. FRANKLIN** moved that **SB 385 BE TABLED.** Motion carried 4-3 with Ekegren, Elliott, and Hargrove voting no.

ADJOURNMENT

Adjournment: 12:00 P.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts32aad)